

1 IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT  
IN AND FOR SARASOTA COUNTY, FLORIDA

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ORAL/VIDEO DEPOSITION OF

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## JEFFREY BINDER

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DECEMBER 15, 2017

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13       VIDEOTAPED DEPOSITION OF JEFFREY BINDER, produced as a  
14 witness at the instance of the Plaintiffs, was duly  
15 sworn, was taken in the above-styled and numbered cause  
16 on the DECEMBER 15, 2017, from 8:00 a.m. to 12:42 p.m.,  
17 before Chris Carpenter, CSR, in and for the State of  
18 Texas, reported by machine shorthand, at the offices of  
19 Mehaffy Weber, P.C., 823 Congress Avenue, Suite 200,  
20 Austin, TX 78701, pursuant to the Florida Rules of Civil  
21 Procedure and the provisions stated on the record or  
22 attached hereto.

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1           A.     I believe so.

2           Q.     If we go to -- if we continue forward to Page  
3     5, at the top there's a heading that says, "The DOJ  
4     Investigations." Do you see the heading there?

5           A.     I do.

6           Q.     And, generally speaking, does it appear this  
7     section is talking about the DPA, which we've talked  
8     about earlier today?

9           A.     Yes, the -- I believe we spoke about two, but  
10    this would be the first of the two that we discussed.

11          Q.     And are you quoted correctly in the fourth  
12    paragraph in the first sentence, in discussing the --  
13    the settlement with the Department of Justice?

14          "Choosing his words carefully, Binder notes that Biomet  
15    was not completely without sin or else we would not have  
16    settled." Is that an accurate quote for what you  
17    stated?

18          A.     Yes, I believe it is.

19          Q.     And, Mr. Binder, earlier you stated that it  
20    would be unethical to pay for a surgeon -- or to pay a  
21    surgeon to use Biomet's products; is that correct?

22          A.     The way that I would put it is we want surgeons  
23    choosing products that they think are appropriate for  
24    their patients. And I do think it's unethical to  
25    provide a surgeon with financial inducement to use the